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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/725,193
Filing Date: December 01, 2003
Appellant(s): CONCILIO ET AL.

Jeremy B. Berman
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed February 6, 2009 appealing from the Office

action mailed September 9, 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5380991	Valencia	01-1995
6311165	Coutts	10-2001

Applicant's Admitted Prior Art (application 10/725,193, Figures 1-3, Paragraphs [0001] -

[0019])

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   **Claims 16-18, 20-26, 28-34, 36-41 and 43** are rejected under 35 U.S.C 103(a)

as being unpatentable over Valencia et al (US Pat No. 5,380,991) in view of Coutts et

al. (US Patent No. 6,311,165 B1).

3.   Regarding claims 16-18, 24-26 and 32-34, Valencia discloses a system and

method for executing an event-driven application resident in a smart-card comprising a

fundamental module, the application being separated into a central module and at least

one complementary module, the method comprising: managing interaction between the

central module and the at least one complementary module by the fundamental module

(Abstract, Figure 2, Column 4 lines 10-14); and after at least beginning execution of the central module by the fundamental module based upon an external event, generating a new event by the fundamental module for managing the at least one complementary module (Figure 2, Column 2 lines 59-62, Column 3 lines 14-41, Column 4 lines 4-26).

4.   Valencia does not explicitly recite the event generated being an internal event.

5.   However, Coutts discloses a system and method wherein the event generated is an internal event (Column 12 lines 16-34).

6.   Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Coutts in the device of Valencia reference to include a system and method wherein the new event generated is an internal event, for the advantage of isolating particular events internally within relevant module.

7.   Regarding claims 20, 28, and 36, Valencia discloses a system and method wherein an interface defined by the fundamental module is provided to the central module and to the at least one complementary module (Figure 2).

8.   Regarding claims 21, 29, and 37, Valencia discloses a system and method wherein input data delivered to the central module is also delivered to the at least one complementary module (Figure 2, Column 4 lines 4-26).

9.   Regarding claims 22, 30, and 38, Valencia discloses a system and method wherein the fundamental module is associated with an operating system of the smart-card (Figure 2, Column 4 lines 4-26, microcomputer 4 within the smart card reads on an operating system).

10.   Regarding claims 23, 31, and 39, Valencia discloses a system and method

wherein the fundamental module functions as a terminal interface protocol manager

(Figure 2, Column 4 lines 4-26).

11.   Regarding claim 40, Valencia discloses a system wherein said smart card

comprises first and second memories and wherein the central module resides in said

first memory and the at least one complementary module resides in said second

memory (Figure 2, Column 4 lines 4-26).

12.   Regarding claim 41, Valencia discloses a system wherein said first memory

comprises a read only memory and said second memory comprises a programmable

memory (Figure 2, Column 4 lines 16-36).

13.   Regarding claim 43, Valencia discloses a system wherein the electronic device is

configured as a point of sale terminal (Abstract, Figure 4, Column 4 lines 4-26).

14.   **Claims 19, 27, and 35** are rejected under 35 U.S.C 103(a) as being

unpatentable over Valencia et al (US Pat No. 5,380,991) in view of Coutts et al. (US

Patent No. 6,311,165 B1) further in view of Applicant's Admitted Prior Art (APA), (see

application 10/725193, Figures 1-3, paragraphs [0001] – [0019]).

15.   Regarding claims 19, 27, and 35, Valencia fails to explicitly disclose a system

and method wherein the at least one complementary module is registered and triggered

based upon a new internal event.

16.   However, APA discloses a system and method wherein each complementary module is registered and triggered to an appropriate new event (Figures 1-3, Paragraph [0011]).

17.   Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of APA in the device of Valencia reference to include a system and method wherein the at least one complementary module is registered and triggered based upon a new internal event, for the advantage of distributing and tasking particular tasks to designated modules.

(10) Response to Argument

Argument A: Valencia et al. and Coutts et al. fail to teach "executing an event-driven application in an electronic device including a smart card, the application being resident in the smart-card and being decomposed into a central module and at least one complementary module".

In response to applicant's arguments, the recitation "executing an event-driven application in an electronic device including a smart card" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Argument B: Valencia et al. and Coutts et al. fail to teach "managing interaction

between the modules by a framework of the smart-card".

In response, the Examiner respectfully disagrees. Valencia discloses a terminal

8 that that exchanges necessary data with an external terminal device, executes data

processing and writes data into the memory 6 (Figures 1-2, Column 4 lines 10-14). The

terminal 8 reads on the framework and the exchange of information with external

devices and interaction of modules within the card as disclosed in Figure 2 reads on

managing interaction between the modules by the framework. The CPU component 10

of the microcomputer 4 within the smart card 2 reads on a central module and the

memory component 6 reads on a complementary module. It is noted that any of the

components interacting with the CPU 10 of the microcomputer reads on a

complementary module in the claim as currently recited. Figure 2 shows the interaction
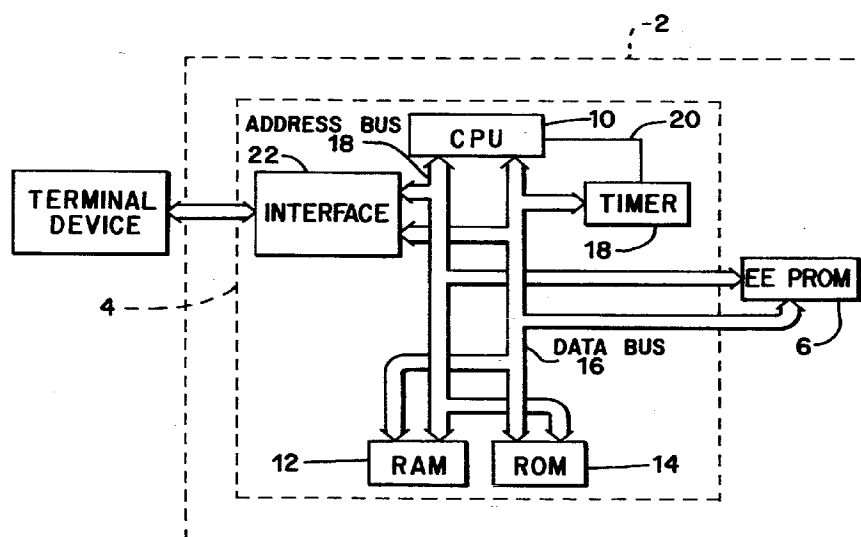
of the modules within the smart card.

FIG. 2

Argument C: Valencia et al. and Coutts et al. fail to teach "after at least beginning execution of the central module by the framework based upon an external event, generating a new set of internal events by the framework for managing the at least one complementary module".

In response, the Examiner respectfully disagrees. Figure 2 of Valencia and Column 3 lines 13-41 shows terminal device initiating an external event of information related to scanned items and executing a comparison by the smart card CPU and updating relevant information in the memory 6 serving as a complementary module (Column 4 lines 27-36). Although Valencia teaches generation of internal events caused by the interaction of modules within the smart card, it was viewed by the examiner that internal events generated in the smart card disclosed in Valencia was a result of an external event initiating the generation of such events. Coutts et al. was relied upon to teach that a new set of internal events can be generated between modules within a hardware without the reliance of an external event to trigger the event (Coutts, Column 12 lines 16-34). Column 3 lines 30-35 of Valencia shows that one of skill in the art can alternatively apply modifications to an external computing hardware, such as that disclosed by Coutts, to that of the smart card to include the generation of new internal events.

Argument D: Applicant argues that rejection of Claims 17-18, 20-23, 25-26, 28-31, and 33-34, 36-41 is improper since neither Valencia et al. nor Coutts et al.

discloses a framework, the generation of internal events, a central module, or a

complementary module.

In response, the Examiner respectfully disagrees. Response to Arguments B

and C above address the disclosure of a framework, the generation of internal events, a

central module, data flow, and a complementary module.

Argument E: Valencia et al., Coutts et al. and AAPA fail to teach "the at least

one complementary module registered and triggered based upon a new internal event".

In response, the Examiner respectfully disagrees. Paragraphs [0005] – [0012]

and Figure 3 of AAPA clearly disclose event registration and triggering. AAPA was

cited to teach that the event registration and triggering is old and well known in the art

and can be implemented to modify the Valencia and Coutts reference to include

registering and triggering the complementary module based upon a new internal event.

Argument F: Valencia et al. and Coutts et al. fail to disclose "that the smart card

comprises first and second memories and that the central module resides in the first

memory and the complementary module resides in the second memory".

In response, the Examiner respectfully disagrees. Figure 2 and Column 4 lines

4-26 disclose a first and second memory. Valencia discloses a first memory, read only

memory coupled to the central module CPU 10 and the memory 6, which was taken to

read on a complementary module, comprises programmable memory.

Argument G: Valencia et al. and Coutts et al. fail to disclose "that the electronic device is configured as a point of sale terminal".

In response, the Examiner respectfully disagrees. Examiner correlated the IC card of Valencia to the smart card disclosed in the instant application. The smart card was interpreted as a separate component comprised within the apparatus of the electronic device. Examiner interpreted the electronic device to be the external device interacting with the smart card. Taking into account the examiners interpretation, abstract and Figure 4 of Valencia was cited to show retailer's checkout counter which comprises cash register that reads on a point of sale terminal.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Faris Almatrahi/

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